

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How designated, cited.

The chapters, articles, divisions and sections embraced in this Code of Ordinances shall constitute and be designated as “The Code of Ordinances of the City of Lynchburg, Virginia,” and may be so cited. This Code may also be cited as the “Lynchburg City Code.” (Code 1959, § 1-1)

Charter reference—Codification of ordinances, § 38-a.

State law reference—Codification of ordinances, Code of Virginia, § 15.137.3.

Sec. 1-2. Rules of construction, definitions.

In the construction of this Code and of all ordinances of this city, the following rules of construction and definitions shall be observed, unless such construction or definition would be inconsistent with the manifest intent of the city council, be repugnant to the context of the provisions or the context clearly requires otherwise:

Generally. All words and phrases shall be construed and understood according to the common and approved usage of language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

City. The city of Lynchburg in the Commonwealth of Virginia.

City council. The governing body of the city.

Code. This Code of Ordinances as designated and cited in section 1-1 above.

Commonwealth. The word “commonwealth” shall mean the Commonwealth of Virginia.

Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.

Delegation of authority. Whenever a provision appears in this Code requiring an officer of the city to do some act or make certain inspections, it is to be construed to authorize such officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section expressly designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations as well as to males.

In the city. The words “in the city” or “in this city” mean and include any territory within the corporate limits of this city and the police jurisdiction thereof, and any other territory over which regulatory power has been conferred on the city by general or special act, except as otherwise specified.

***State law reference**—Computation of time, Code of Virginia, § 1-13.3.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise specifically declared.

Law. Any statute, ordinance or regulation promulgated by the United States, the state, the county, the city or any agencies thereof, as well as the rules and regulations of other bodies politic that may be appropriate.

Misdemeanor. Any offense not punishable by death or confinement in the penitentiary.

Month. The word “month” shall mean a calendar month.

Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

Official time standard. Whenever certain hours are named in this Code they shall mean standard time or daylight saving time as may be in current use in the city.

Officials, employees, boards, commissions, etc. Whenever reference is made to officials, employees, boards, commissions or other agencies of the city by title only, i.e., “mayor,” “clerk,” “manager,” “chief of police,” etc., they shall be deemed to refer to the officials, employees, boards, commissions or other agencies of this city.

Or, and. “Or” may be read “and” and “and” may be read “or” if the context of the provision requires it.

Owner. The word “owner” shall, when applied to a building or land, include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The word “person” shall include and be applied to a firm, partnership, association, corporation, organization, club, society, group acting as a unit, or body politic and corporate, as well as to an individual.

Personal property. The words “personal property” shall include money, goods, chattels, evidences of debt, things in action, and any other species of property, except real property.

Preceding, following. The words “preceding” and “following” shall mean next before and next after, respectively.

Property. The word “property” shall include real, personal and mixed property.

Public place. Any public way, park, cemetery, school yard or open space adjacent thereto; any public lake or stream; and any place or business open to the use of the public in general, open to public view or to which the public has access.

Public way. Any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

Real property. The words “real property” shall include lands, tenements and hereditaments.

Reasonable time. In all cases where any section of this Code or city ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

Residence. The place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Roadway. That portion of a street improved, designed or ordinarily used for vehicular traffic.

Shall, may. The word “shall” is mandatory, and the word “may” is discretionary.

Sidewalk. The word “sidewalk” shall mean any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line intended for the use of pedestrians.

Signature, subscription. The word “signature” or “subscription” shall include a mark when the person cannot write, when his name is written near such mark and is witnessed by a person who writes his own name as witness.

State. The words “the state” or “this state” shall mean the Commonwealth of Virginia.

Street. The word “street” shall mean and include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges, public ways and approaches thereto and other public thoroughfares in the city devoted to public use.

Tenant, occupant. The words “tenant” and “occupant,” applied to a building or land, shall mean any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense shall include the future as well as the past or present.

Writing, written. The words “writing” and “written” shall include typewriting, printing on paper and any other mode of representing words and letters.

Year. The word “year” shall mean a calendar year. (Code 1959, § 1-2; Ord. of 9-30-75, § 1)

State law reference—Rules of construction, Code of Virginia, § 1-13 through 1-13.33.

Sec. 1-3. When section 1-2 does not apply.

The rules of construction and definitions set forth in section 1-2 shall not be applied to any section of this Code or city ordinance which shall contain any express provision excluding such construction or definition, or when the subject matter or context of such provisions or ordinances may be repugnant thereto.

Sec. 1-4. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of the 1959 Code, and all ordinances adopted subsequent to the 1959 Code and included herein, shall be considered as continuations thereof and not as new enactments. (Code 1959, § 1-4)

Sec. 1-5. Parenthetical and reference matter.

The matter in parentheses at the ends of sections is for information only and is not a part of the Code. Citations to the 1959 Code of the city (Code 1959) and to later ordinances indicate only the source of such section and the text may or may not be changed by this Code. Reference matter not in parentheses is for information only and is not a part of this Code.

Sec. 1-6. Catch lines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (Code 1959, § 1-3)

State law reference—Similar provisions, Code of Virginia, § 1-13.9.

Sec. 1-7. Incorporation by reference.

All standard codes, rules, regulations and other subject matter herein or hereafter properly incorporated by reference, together with subsequent amendments thereto, pursuant to state law, and future incorporations by reference shall be kept and preserved in the office of the clerk of council.

Sec. 1-8. Reference to code, conflicts.

In addition to the rules of construction and definitions specified in this chapter, the following rules shall be observed in the construction of this code:

(a) All references to chapters, articles or sections are to the chapters, articles and sections of this Code unless otherwise specified.

(b) If the provisions of different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

(c) If conflicting provisions be found in different sections of the same chapter the provisions of the section which is last in numerical order shall prevail unless such construction would be inconsistent with the meaning of such chapter.

Sec. 1-9. Police power extended to city property.

The police power of the city is hereby extended to include all lands or property owned or leased by the city or any agency of the city and the general ordinances of the city shall be applicable on such property.

Sec. 1-10. Altering code.

It shall be unlawful and a class 1 misdemeanor for any person to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city to be misrepresented thereby; provided, that supplementation of this code by authorized persons shall be permitted.

Sec. 1-11. Classification of misdemeanor criminal offenses.

Misdemeanors are classified, for the purposes of punishment and sentencing, into four (4) classes:

- (a) Class 1 misdemeanor;
- (b) Class 2 misdemeanor;
- (c) Class 3 misdemeanor;
- (d) Class 4 misdemeanor. (Code 1959, § 1-5.2; Ord. of 9-30-75, eff. 10-1-75)

Sec. 1-12. Punishment for conviction of misdemeanor.

The authorized punishments for conviction of a misdemeanor are:

(a) For class 1 misdemeanors, confinement in jail for not more than twelve (12) months and a fine of not more than two thousand five hundred dollars (\$2,500.00), either or both;

(b) For class 2 misdemeanors, confinement in jail for not more than six (6) months and a fine of not more than one thousand dollars (\$1,000.00), either or both;

(c) For class 3 misdemeanors, a fine of not more than five hundred dollars (\$500.00);

(d) For class 4 misdemeanors, a fine of not more than two hundred fifty dollars (\$250.00). (Code 1959, § 1-5.3, Ord. of 9-30-75, eff. 10-1-75; Ord. No. O-90-211, 7-10-90; Ord. No. O-91-058, 3-26-91)

Sec. 1-13. General penalty; continuing violations.

Whenever in this code or in any ordinance or resolution of the city, or rule or regulation or order promulgated by any officer or agency of the city under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this code or any such ordinance, resolution, rule, regulation or order shall be punished as a class 1 misdemeanor. Each day any violation of this code or any ordinance, rule, regulation or order shall continue shall constitute a separate offense except as otherwise provided. (Code 1959, § 1-6; Ord. of 9-30-75, eff. 10-1-75)

Sec. 1-14. Unclassified offenses; how punished.

Offenses defined in this code, for which punishment is prescribed without specification as to the class of the offense, shall be punished according to the punishment prescribed in the section or sections thus defining the offense. (Code 1959, § 1-6.1; Ord. of 9-30-75, eff. 10-1-75)

Charter reference—General penalty, § 38(34).

Sec. 1-15. Penalty not exclusive.

The imposition of a penalty under the provisions of this code shall not prevent the revocation or suspension of any license, franchise or permit issued or granted under the provisions of this code.

In the event any violation of this Code is designated as a nuisance under the provisions of this Code, such nuisance may be summarily abated by the city in addition to the imposition of a fine or imprisonment.

Sec. 1-16. Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid, unenforceable or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code. (Code 1959, § 1-5)

Sec. 1-17. Effect of repeals.

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Sec. 1-18. City clock.

The city clock shall be under the charge of the building maintenance superintendent. (Code 1959, § 1-9)

Sec. 1-19. Local time.

The mean local time of the meridian 75 degrees west of Greenwich, known and designated as the "Eastern Standard Time," shall be the local time of the city; provided, however, during such portions of the year that federal law so dictates, local time shall be advanced one hour in compliance with "Eastern Daylight Saving Time." (Code 1959, § 1-9)

Sec. 1-20. Geographic coordinates.

U.S. Coast and Geodetic Survey Office,
Washington, Oct. 7th, 1884.

Mr. Thomas D. Davis, Lynchburg, Va.:

Sir:—At the request of Assistant B. A. Colonna, I enclose you herewith a memorandum of the geographical position of the Court House, Lynchburg, Va. I am,

Very respectfully,
C. O. Boutelle,
Assistant in Charge of Office.
Computing Division C. and G. Survey,
October 7th, 1884.

The geographical position of the Lynchburg Court House, Va., as determined by the U.S. Coast and Geodetic Survey, is as follows:

Latitude, 37° 24' 49.1".
Longitude, 79° 08' 40.5".

Hence on railroad or 75th meridian time the clocks at Lynchburg must be kept in advance of local time 16m. 34.7s.

Charles A. Schott, Assistant.

(Code 1959, § 1-9)